

REMARKS

Claims 1-21 remain in this application. Claims 1, 2, 4-6, 8-16, and 19-21 have been amended while the remaining claims remain unchanged. The only amendment made to claims 2, 8-15, and 20-21 is the introduction of a comma after the first phrase in each claim. No new subject matter is believed to have been added by this amendment.

The Examiner rejects claims 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite. Each of these claims has been amended for clarity.

The Examiner furthermore rejects claims 1-4, 7-9 and 19-21 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 4,001,925 to Eriksson. The Eriksson patent is directed to a cutting tool having a clamp 14 with a beveled hole 31 extending therethrough. The hole 31 is engaged by a screw 18 to laterally displace the clamp 14 such that the rounded tongue 19 of the clamp 14 pivots within a hollow 21 in the holder 10. This motion causes a projection 21 of the clamp 14 to act downwardly against an insert 13, thereby securing the insert 13 within the holder 10.

Independent claims 1 and 19 of the subject application have been amended to specify a tool holder with a lever pivotally mounted about a pivot fulcrum on the body and adapted to hold the cutting insert within the pocket wherein the lever has a first end adjacent to the pocket for contacting the cutting insert and the lever furthermore has a second end opposite thereto. The pivot fulcrum is substantially closer to the first end than to the second end to provide mechanical advantage. Such an arrangement is illustrated in Figs. 2A and 2B of the present application. As amended, claims 1 and 19 are clearly structurally different from the arrangement in the Eriksson patent and are not believed to be made obvious by the teaching of the Eriksson patent. Therefore, claims 1 and 19 are believed to be patentably distinct over the teaching of the prior art and, furthermore, by way of their dependence upon what are believed to be patentably distinct independent claims, depend claims 2-4, 7-9, and 20-21 are themselves believed to be patentably distinct over the teaching of the Eriksson patent and the other art of record.

The Examiner rejects claims 16-18 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 5,921,719 to Laflamme. The Laflamme patent is directed to an insert holder with a top clamp wherein, as illustrated in Figure 6, a clamp 46 has a clamp screw hole 49, a pivot 50 and an end surface 59. A clamp

screw extends through the clamp screw hole 49, thereby causing the clamp 46 to pivot about the pivot 50 so that the contact surface 55 of the clamp 46 acts against the top surface of a cutting insert 42 to secure the cutting insert 42 within a pocket 44.

Claim 16 of the present application has been amended in a fashion similar to that of claims 1 and 19 to specify that the rotatable toolholder in accordance with claim 16 includes a lever pivotally mounted to the body through a pivot fulcrum, wherein the lever is adapted to hold the cutting insert within the pocket and wherein the lever has a first end adjacent to the pocket for contacting the cutting insert and a second end opposite thereto. Once again, the pivot fulcrum is substantially closer to the first end than to the second end to provide mechanical advantage. This feature is clearly structurally different than the insert holder disclosed within the Laflamme patent and, furthermore, is not believed to be obvious in light of the teaching of the Laflamme patent. For these reasons claim 16 and claims 17-18 by way of their dependence upon claim 16 are believed to be patentably distinct over the teaching of the Laflamme patent and the other art of record.

The Examiner rejects claim 10, 13 and 14 under 35 U.S.C. §103(a) as being obvious from the teaching of the Eriksson patent. By way of their dependence, either directly or indirectly, upon what is believed to be patentably distinct independent claim 1, dependent claims 10, 13 and 14 are themselves believed to be patentably distinct over the prior art of record.

The Examiner rejects claim 15 under 35 U.S.C. §103(a) as being obvious from the teaching of the Eriksson patent in view of the teaching of United States Patent No. 4,309,132 to Adamson et al. By way of its dependence upon what is believed to be patentably distinct independent claim 1, claim 15 is itself believed to be patentably distinct over the prior art of record.

The Examiner has indicated that claims 11 and 12 are objected to but would be allowable if rewritten in independent form, and the Examiner has furthermore indicated that claims 5 and 6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. The Applicants appreciate the Examiner identifying these claims as defining allowable subject matter, however, believe that independent claims 1, 16 and 19 as amended provide a basis for allowance of all of the pending claims.

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Amdt. dated February 17, 2005
Reply to Office Action of 11/18/2004
Our File 0687-032374
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Reconsideration and allowance of claims 1-21 are respectfully requested.

Respectfully submitted,

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Amendments to the Drawings:

The attached six (6) sheets of formal drawings replace the original seven (7) sheets of informal drawings, both sets of drawings including Figures 1, 2A-2B, 3-9, 10A-10B, and 11.

No new subject matter has been added in these formal drawings.

Attachments: Replacement Sheets